

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

January 24, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 00-00264HG

CASE NAME: U.S.A. vs. (02) CLYDE G. SOTO, JR., aka "Sots"

ATTYS FOR PLA: Michael K. Kawahara

ATTYS FOR DEFT: Stuart N. Fujioka

U.S.P.O. Derek M. Kim

JUDGE: Helen Gillmor

REPORTER: Stephen Platt

DATE: January 24, 2006

TIME: 3:30 - 4:10

COURT ACTION: ORDER TO SHOW CAUSE WHY SUPERVISED RELEASE
SHOULD NOT BE REVOKED -

The defendant is present in custody.

The defendant admitted to Violations 1, 2, 5, 6 & 7, and denied guilt to Violations 3 and 4, as it relates to the September 2005 Monthly Supervision Report.

The Court found that the defendant also violated Violation 3 and Violation 4, as it relates to the September 2005 Monthly Supervision Report.

The Court did not find that the defendant violated Violation 4 as it relates to the December 2005 Monthly Supervision Report.

The Court found that Violations 1, 2, 3, 4, 5 and 7 are Grade C violations and Violation 6 is a Grade B violation, Criminal History Category I.

Allocution by the defendant.

The supervised release is revoked.

ADJUDGED: Impr of 8 mos.

SUPERVISED RELEASE: 52 mos. upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
9. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
10. That the defendant shall not reside with his mother, Sharlene Nihipali, and/or his stepfather, David Rodrigues.

The Probation Office is allowed to contact the Family Court, State of Hawaii, and the Office of Prosecuting Attorney, State of Hawaii.

Advised of rights to appeal the sentence, etc.

Submitted by: David H. Hisashima, Courtroom Manager